

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION,)
et al.)

Plaintiffs,)

v.)

Case No. 4:16 CV 2163 CDP

PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC., et al.)

Defendants.)

ORDER

Counsel for plaintiffs and counterclaim defendants Missouri Primate Foundation, Connie Braun Casey, Andrew Sawyer, and Jane Doe 2 have filed a Verified Emergency Motion to Withdraw and Proposed Order. Defendants' counsel, Kurtis Reeg, seeks to withdraw from this case for health reasons and asserts that because his co-counsel resides in Michigan, it is impractical for her to take over the case.¹ Counsel avers that notice was given to his clients and opposing counsel was advised during the Rule 26 conference.


¹ Reeg is apparently referring to Lynn Lehnert, whose name is on the pleadings, but who has never properly entered her appearance and so does not appear as counsel on the docket sheet. Although Doc. 3, filed on December 30, 2016, purports to enter Lehnert's appearance, pursuant to the Administrative Procedures for Case Management Electronic Case Filing, attorneys who wish to appear as co-counsel with the filing attorney of record must file a separate Entry of Appearance using the e-filing login and password assigned to them by the Court.

Counterclaim defendants' counsel asks that the Court permit him to withdraw, provide "at least 45 days following the entry of an order granting said Motion" to retain substitute counsel, and stay all discovery until substitute counsel enters an appearance in this case. ECF No. 44. In their response, counterclaim plaintiffs People for the Ethical Treatment of Animals, Inc. and Angela Scott oppose the requested stay, claiming the long delay would cause undue prejudice and is unnecessary under the circumstances.

Although it is this Court's normal practice in the event of a serious medical condition to allow withdrawal and a reasonable amount of time for obtaining new counsel, there are several deficiencies in the motion to withdraw that must be addressed. Specifically, I find the motion deficient because: 1) the motion does not state the clients' agreement to counsels' withdrawal; 2) the motion does not state how the Missouri Primate Foundation can proceed without a lawyer (and granting the motion would leave the Foundation unrepresented); 3) the motion does not tell the Court how to reach the clients in the event I allow the withdrawal; and 4) the motion does not adequately explain why this is an emergency or why Ms. Lehnert cannot remain as counsel. Because of these issues, I will hold a hearing on the motion to withdraw.

Accordingly,

IT IS HEREBY ORDERED that a **hearing** on the Motion to Withdraw [44] will be held on **Monday, March 12, 2018 at 9:00 a.m.** in Courtroom 14-South. In addition to counsel, all counterclaim defendants and an officer or director of Missouri Primate Foundation must be present in person at the hearing.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 5th day of March, 2018.